IN THE HIGH COURT OF UTTARTANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital the 12th day of August 2005
Criminal Misc. Bail Application No. 766/2005
Order on the bail application of the accused.

CRIMINAL SIDE

Akku @ Rohit S/o Sri Manga
R/o Mohalla Shiv Nagar
P.S. Rudrapur
District U.S. Nagar
District J. P. Nagar, U.P. ….Applicant.

Versus

State of Uttaranchal ….Opposite Party

Arising out of case crime No. 964 of 2005
U/S 363, 366, 376 I.P.C.
P.S. Rudrapur
District U.S. Nagar

Hon'ble J.C.S. Rawat, J.

Heard Sri J. S. Virk learned counsel for the applicants and learned A.G.A. for the State.

Perused the record. It has been alleged that the girl was taken away from her house on 17.2.2005. by 10 to 15 persons and she was recovered on 06.4.2005. When she was specifically asked as to who has taken her from the house, she stated in her evidence under section 164 Cr.P.C. that Ashok and Rohit have taken her from the house. It is also alleged in the statement recorded under section 164 Cr.P.C. that she became conscious inside the bus where she was threatened. The learned counsel for the applicant contended that the age of the girl was 17 years at the time of occurrence. It was further contended on behalf of the applicant that she was taken from one place to other places by bus and she kept silent and did not make any hue and cry. The learned counsel for the applicant further contended that while travelling in the bus, she should have make hue and cry for rescue from the passengers. As such, she is the consenting party. Considering the facts and circumstances of the case, it is a fit case for bail.

Let the applicant-accused be released on bail on executing a personal bond and two sureties each in the like amount to the satisfaction of the C.J.M. concerned.

(J.C.S. Rawat, J.)

Dated 12-08-2005
LSR